

## Orlando Rocha

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**From:** john sweeney [john@supercardirect.com]  
**Sent:** Monday, June 20, 2011 11:05 AM  
**To:** schappell@suisunrcd.org  
**Cc:** orocha@suisunrcd.org  
**Subject:** Chipps Island Levee Break on Woodin Side  
**Attachments:** IMG\_1747.JPG; IMG\_1746.JPG

Steve

As you may know I bought the Mastelottos side of Chipps Island last year and now Thad Woodins side. He was to be off last Friday and when he left and pulled his barge out he caused one heck of a large mess. The levee broke and is now about 50 feet across just past where his house barge was. I went with Mike Frost and Dutra today to get a quote to seal it before it grows. Estimate we need 1000 ton of rock and then ability to fill with mud behind.

I need a bit of help on two fronts. One what permits did Woodin have for maintenance or dredging out there? I need to get an emergency permit to fix this with rock asap then backfill with mud. No way to stop this breach without rock. Here are two pics of it as of today. From what I know it broke the night of the 11th and has grown since.

Or if do i just need to file an emergency permit with whom?

John Sweeney  
(415)686-0907







## Orlando Rocha

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**From:** john sweeney [john@supercardirect.com]  
**Sent:** Wednesday, June 22, 2011 7:30 AM  
**To:** schappell@suisunrcd.org; orocha@suisunrcd.org  
**Subject:** Chipps Update

Steve and Orlando

Per usual no reply from my calls to Army Corps. Same thing happened last month when we tried to address the old break and left several messages with no reply.

Im planning to get a barge out next week with a crane and an excavator. With some luck we hope to use two 40' shipping containers on each side of the break to form a backstop which can then be filled. The containers would be removed as soon as levee dries. Army corps used them in New Orleans the same way. We would secure them in place using two old piles on each side. Its best to try and fix levee without rock first. If that fails we can have Dutra bring it in. Chipps levee in that area is very soft so the least amount of weight the better.

Since we cannot afford to let it grow Im going to mobilize these guys on their schedule as soon as they can get out there. Im hopeful we can at least get some sort of permit in place but my partners have told me to fix it asap regardless.

I can send a detail of the scope if you like. Any help would be appreciated.

Here is a pdf of the container stuff

<http://www.seament.biz/files/ASBPASementPresentation.pdf>

John Sweeney

From: john.sweeney <john@supercardirect.com>  
Subject: **Chippis Island levee break RGP 5**  
Date: June 23, 2011 11:10:59 AM PDT  
To: david.m.wickens@usace.army.mil  
Cc: orochoa@suisunrcd.org  
2 Attachments, 4.4 MB



David-

I need to get a permit asap going on the fix of the break at Chippis. I have had Dutra, Salt River and Mike Frost Construction out and we have agreed on two ways to proceed.

First since Chippis levees are soft as is filling with rock first off could be wasted as it may just sink. So we would like to bring a barge over and place two 40 containers in front and behind the break to slow the flow. Then with a long reach excavator fill the levee with mud and then wait for it to dry for a few weeks then add more. After a month remove the two water ballasted containers and hopefully the levee will be fixed. A similar method was used in New Orleans by Army Corps and other with a company called SeaBox.

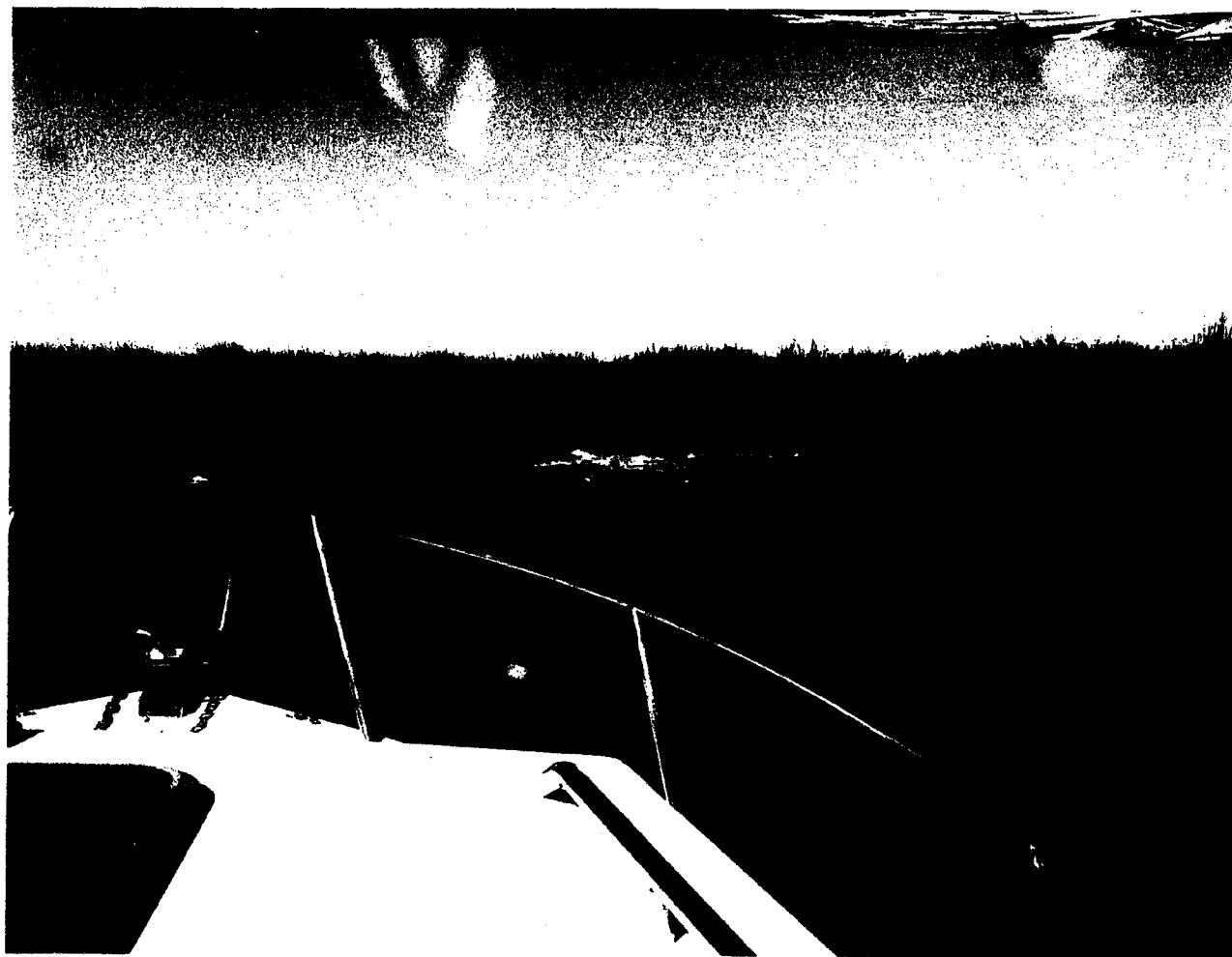
If that fails we would bring in rock from Dutra in Rio Vista and build a prism wall to stop the flow and then back fill with mud. Either way we need to use mud to rebuild it as its probably the only thing light enough to not sink.

Attached are the pics of the break and please let me know what form to fill out. I am totally bound by the barge companies schedules so the only time I can get equipment to Island is end of next week.

With a 60 foot long reach we would probably not be able to reach enough material from the inside of Island so we may need to grab mud from the inner slough. Please advise on how I proceed.

John Sweeney  
New Owner Chippis Island





levee break chumps Time

From: "Wickens, David M SPN" <David.M.Wickens@usace.army.mil>  
Subject: **Chippis Island Levee Breach (UNCLASSIFIED)**  
Date: June 23, 2011 1:51:38 PM PDT  
To: john.sweeney <john@supercardirect.com>, "Monarres, Laurie, SPN" <Laurie.A.Monarres@usace.army.mil>  
Cc: <srcd@castles.com>

Classification: UNCLASSIFIED  
Caveats: NONE

Mr. Sweeney,

Thank you for sending an email/pictures regarding the levee break on your property at Chippis Island, located within the Suisun Marsh, Solano County, California. The U.S. Army Corps of Engineers understands the importance of finding a timely solution to this situation.

Based on the information you submitted I believe it would be most prudent for you to immediately coordinate with the Suisun Marsh Resource Conservation District (RCD) to explore the potential for repairing the breach in compliance with the guidelines outlined in Regional General Permit 3 (RGP3). A copy of the permit is located at:

<http://www.spnusace.army.mil/regulatory/permitnumber3.pdf>

If it is determined RGP3 is not suitable to authorize your proposed levee repairs, please continue to coordinate with the Suisun Marsh RCD and contact the Corps for additional guidance.

Please email me at david.m.wickens@usace.army.mil or call me at 415-503-6787 if you have any questions.

Thank you,

David Wickens  
U.S. Army Corps of Engineers  
San Francisco District  
Regulatory Branch

Classification: UNCLASSIFIED  
Caveats: NONE



From: "Orlando Rocha" <ORocha@SuisunRCD.org>  
Subject: **RE: Chipps Island Levee Breach (UNCLASSIFIED)**  
Date: June 23, 2011 3:23:30 PM PDT  
To: "John Sweeney" <john@supercardirect.com>  
4 Attachments, 477 KB

John,

Here is what I put together, if you could put the location of the breach on a map of some kind that would be great, I have a general idea of where the breach is, but if you can point out the exact spot out that would be better. Just look it over, sign the first page and I will work with Dave, after you send it back to me.

Call me if you have any questions

Orlando

---

Orlando Rocha  
SRCD Biologist  
Water Manager Program  
2544 Grizzly Island Rd  
Suisun City, CA 94585  
Office: 707-426-2431 ext 300  
Cell: 707-631-0819

---

**From:** john sweeney [mailto:john@supercardirect.com]  
**Sent:** Thursday, June 23, 2011 2:03 PM  
**To:** schappell@suisunrcd.org; orocha@suisunrcd.org  
**Subject:** Fwd: Chipps Island Levee Breach (UNCLASSIFIED)

Here is his reply just like last time said I have to go through SRCD.

John

Begin forwarded message:

**From:** "Wickens, David M SPN" <David.M.Wickens@usace.army.mil>  
**Date:** June 23, 2011 1:51:38 PM PDT  
**To:** john sweeney <john@supercardirect.com>, "Monarres, Laurie, SPN" <Laurie.A.Monarres@usace.army.mil>  
**Cc:** <srcd@castles.com>  
**Subject:** **Chipps Island Levee Breach (UNCLASSIFIED)**

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Please email me at [david.m.wickens@usace.army.mil](mailto:david.m.wickens@usace.army.mil) or call me at 415-503-6787 if you have any questions.

Thank you,

David Wickens  
U.S. Army Corps of Engineers  
San Francisco District  
Regulatory Branch

Classification: UNCLASSIFIED  
Caveats: NONE

USACE WETLANDS MAINTENANCE PERMIT (File Number 242156N)  
APPLICATION 2011  
AUTHORIZATION REQUEST FOR  
URGENT OR UNFORESEEN MAINTENANCE ACTIVITY

Return by fax ASAP to: USACE, Attn: David Wickens (415) 503-6690  
(ph. no. 415-503-6787) ; Jane Hicks (ph. no. 415-503-6771) and SRCD,  
Attn: Steven Chappell (707) 425-4402 (ph. no. 707-425-9302)

SRCD USE ONLY
Date received 1-23-11
Corps approval date
Corps File # 252572

CLUB NAME \_\_\_\_\_  
OWNERSHIP NUMBER 715  
OWNER Phone number 515-656-5902  
MANAGER Phone number 715-656-5902  
ACRES OF PRIMARY MANAGEMENT AREA IN OWNERSHIP 421

## Orlando Rocha

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**From:** Steven Chappell [SCHappell@SuisunRCD.org]  
**Sent:** Friday, June 24, 2011 1:11 PM  
**To:** 'Orlando Rocha'  
**Subject:** FW: Chipps Island (UNCLASSIFIED)

Orlando,

Please put this in the file.

Steve

-----Original Message-----

**From:** Wickens, David M SPN [<mailto:David.M.Wickens@usace.army.mil>]  
**Sent:** Friday, June 24, 2011 12:39 PM  
**To:** [SCHappell@SuisunRCD.org](mailto:SCHappell@SuisunRCD.org)  
**Subject:** RE: Chipps Island (UNCLASSIFIED)

**Classification:** UNCLASSIFIED  
**Caveats:** NONE

Excellent. Thanks for untangling the information.

I'll look for Orlando's email.

Dave

-----Original Message-----

**From:** Steven Chappell [<mailto:SCHappell@SuisunRCD.org>]  
**Sent:** Friday, June 24, 2011 11:40 AM  
**To:** Wickens, David M SPN  
**Cc:** 'Orlando Rocha'  
**Subject:** Chipps Island

Dave,

After we spoke on the phone yesterday it took me some time to put all the pieces together to fully address your questions.

John Sweeny has recently purchased two properties on Chipps Island, isolated from each other by the old Sacramento Northern Railroad Levee.

\* Property 915 is a managed wetland unit which the exterior levee failed this week.

\* Property 910 has a levee breach that has been there since 1995.

I think some confusion has occurred because John contacted you a few weeks ago with questions about permit requirements to repair the old breached levee for Property 910. I had told him that I felt that this levee repair would not be covered under the RGP 3 and would require an individual permit.

Subsequently, the exterior levee failed on Property 915 (uncontrollably flooding the managed wetlands and damaging the property) and he contacted you and SRCD about a permit to repair this newly beached exterior levee. Orlando has been working with John directly and provided him the link the RGP 5 and encouraged him to consider a breach repair alternative that complies with the existing RGP 3 permit terms and conditions. Orlando has received an urgent request for the RGP3 from John Sweeny and he will be transmitting it to you today.

Steve

Classification: UNCLASSIFIED  
Caveats: NONE

## Orlando Rocha

---

**From:** Steven Chappell [SChappell@SuisunRCD.org]  
**Sent:** Friday, June 24, 2011 11:40 AM  
**To:** 'Wickens, David M SPN'  
**Cc:** 'Orlando Rocha'  
**Subject:** Chipps Island

Dave,

After we spoke on the phone yesterday it took me some time to put all the pieces together to fully address your questions.

John Sweeny has recently purchased two properties on Chipps Island, isolated from each other by the old Sacramento Northern Railroad Levee.

- Property 915 is a managed wetland unit which the exterior levee failed this week.
- Property 910 has a levee breach that has been there since 1995.

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Steve

## Orlando Rocha

---

**From:** Orlando Rocha [ORocha@SuisunRCD.org]  
**Sent:** Friday, June 24, 2011 2:22 PM  
**To:** Wickens, David  
**Cc:** 'john sweeney'; 'Schappell@SuisunRCD.org'  
**Subject:** 915 Urgent and or Unforeseen Work Request  
**Attachments:** 915 Urgent USACE request 002.jpg; 915 Urgent USACE request 003.jpg; 915 Urgent USACE request 004.jpg; 915 Urgent USACE request 001.pdf; 915 Urgent USACE request map 001.jpg

Tracking:	Recipient	Read
	Wickens, David	
	'john sweeney'	
	'Schappell@SuisunRCD.org'	Read: 6/27/2011 8:31 AM
	Wickens, David M SPN	Read: 6/24/2011 2:39 PM

Dave,

Here is the Urgent request for unforeseen work that is causing uncontrolled flooding of Club 915. Let me know if you have any questions, Talk to you soon

Orlando

---

Orlando Rocha  
SRCD Biologist  
Water Manager Program  
2544 Grizzly Island Rd  
Suisun City, CA 94585  
Office: 707-426-2431 ext 300  
Cell: 707-631-0819

---

From: "Orlando Rocha" <ORocha@SuisunRCD.org>  
Subject: **RE: Chipps Island Levee Breach (UNCLASSIFIED)**  
Date: June 24, 2011 3:06:23 PM PDT  
To: "john sweeney" <john@supercardirect.com>  
Cc: <Schappell@SuisunRCD.org>  
2 Attachments, 5.4 MB

John,

I sent the urgent request to Dave Wickens, so now we will wait for his response, if he has not responded by Monday I will follow up with him. I have attached both the Biological opinion and the RGP3 in their entirety for your review. I will also send you hard copies in the mail soon. Both of these documents describe the rules and regulations while doing work within the Suisun Marsh. If for some reason the scope of work to repair the breach on 915 is outside of these two documents, you will have to use a different avenue like the RGP 5 process to complete the work. Let me know if you have any other questions, and or need any further help.



Orlando

---

Orlando Rocha  
SRCD Biologist  
Water Manager Program  
2544 Grizzly Island Rd  
Suisun City, CA 94585  
Office: 707-426-2431 ext 300  
Cell: 707-631-0819

---

**From:** john sweeney [mailto:john@supercardirect.com]  
**Sent:** Thursday, June 23, 2011 6:52 PM  
**To:** Orlando Rocha  
**Subject:** Re: Chipps Island Levee Breach (UNCLASSIFIED)

   
NMFS 2008...pdf (3.4 MB) US Army Cor...pdf (2.0 MB)

USACE WETLANDS MAINTENANCE PERMIT (File Number 242156N)  
APPLICATION 2011  
AUTHORIZATION REQUEST FOR  
URGENT OR UNFORESEEN MAINTENANCE ACTIVITY

Return by fax ASAP to: USACE, Attn: David Wickens (415) 503-6690  
(ph. no. 415-503-6787) + Jane Ilicks (ph. no. 415-503-6771) and SRCD.  
Attn: Steven Chappell (707) 425-4402 (ph. no. 707-425-9302)

SRCD USE ONLY

Date received  
1-23-11

Corps approval  
date

Corps File #

25257A

CLUB NAME Chippys Island Sport & Social Club LLC

OWNERSHIP NUMBER 415

OWNER/Phone number John Sweeney

MANAGER/Phone number 415-686-0907

ACRES OF PRIMARY MANAGEMENT AREA IN OWNERSHIP 426

Please give details of requested for urgent or unforeseen maintenance activity.  
Attach map showing exact location of requested maintenance activity.

Describe urgent maintenance requested: SEE ATTACHED

Extensive levee breach causing uncontrolled flooding

No. of units: \_\_\_\_\_

Size or acreage: \_\_\_\_\_

Proposed linear feet: \_\_\_\_\_

Proposed cubic yards: \_\_\_\_\_

Proposed work start: \_\_\_\_\_

Make photocopy of this page for each maintenance request.

John Sweeney Managing Partner

Name, title, phone number, and e-mail address of person requesting approval of urgent or unforeseen maintenance activity (please print)

John Sweeney  
Signature of person requesting approval

1/23/11  
Date

John@SPINNERISLAND.COM



Club name: Delta Shanty

Ownership number: 415

Primary contact phone number: John Sawyer

415-636-0607

2011 APPLICATION  
USACE WETLANDS MAINTENANCE PERMIT (File Number 242156N)

	TYPE OF WORK	# OF UNITS	SIZE OR ACREAGE	PROPOSED LINEAR FEET	PROPOSED CUBIC YARDS	PROPOSED WORK START (mm/dd/yy)	ACTUAL LINEAR FEET	ACTUAL CUBIC YARDS	Actual # of units/ size or acreage	ADDITIONAL COMMENTS
1	REPAIR EXISTING EXTERIOR WATER CONTROL STRUCTURES (gates, culverts and risers)			X	X		X	X		indicate size, type, and location of each on enclosed map
2	INSTALL, REPAIR, OR RE-INSTALL WATER CONTROL BULKHEADS		X		X			X		indicate size, type, and location of each on enclosed map
3	REPAIR EXISTING INTERIOR WATER CONTROL STRUCTURES (gates, culverts and risers)			X	X		X	X		indicate size, type, and location of each on enclosed map
4	INSTALLATION OF NEW INTERIOR WATER CONTROL STRUCTURES				X			X		indicate size, type, and location of each on enclosed map
5	PIPE REPLACEMENT FOR EXISTING INTERIOR WATER CONTROL STRUCTURE				X			X		indicate type, size and location of each on enclosed map
6	POND BOTTOM SPREADER V DITCHES	X	circle one 18X18 24X24		X			X	circle one 18X18 24X24	indicate location on enclosed map
7	CLEARING EXISTING INTERIOR DITCHES	X	X	3,000	3,000	ASAP			X	what was done with the material removed? <i>placed on levee</i>
8	CONSTRUCT NEW INTERIOR DITCHES	X	X						X	what was done with the material removed?
9	REPLACE PREVIOUSLY EXISTING RIP-RAP ON INTERIOR LEVELS/DITCHES	X	X						X	this area must have previously existing rip-rap.

2011 APPLICATION

USACE WETLANDS MAINTENANCE PERMIT (File Number 242156N)

Club name: De la sheets

Ownership number: 915

Primary contact phone number:

John Sweeney 915-684-0807

	TYPE OF WORK	# OF UNITS	SIZE OR ACREAGE	PROPOSED LINEAR FEET	PROPOSED CUBIC YARDS	PROPOSED WORK START (mm/dd/yyyy)	ACTUAL LINEAR FEET	ACTUAL CUBIC YARDS	Actual # of units, size or acreage	ADDITIONAL COMMENTS
10	REPAIR INTERIOR EXISTING LEVES	X	X						X	material source and type?
11	REPAIR EXTERIOR EXISTING LEVES	X	X	120	3,000	ASAP			X	material source and type? pond bottom grading? Ditch cleaning
12	CORING OF EXISTING LEVES	X	X						X	indicate location on enclosed map
13	GRADING POND BOTTOMS FOR WATER CIRCULATION	X	2	X	3,000	ASAP	X			what was done with the graded material? it should have riprap
14	DISCING	X		X	X		X	X		state location on map
15	INSTALL NEW OR RELOCATE / REPLACE EXISTING BLINDS		X	X	X		X	X		state size, type, and location on map (can not replace more than 5 blind sites per year)
16	INSTALLATION OF DRAIN PUMP AND PLATFORMS			X	X		X	X		state size, type, and location on map
17	EXISTING ROAD MAINT., ADDING SURFACE MATERIAL, AND GRADING	X	X	100	50	ASAP	X		X	material source and type? type 3/4 ab
18	EXISTING PARKING LOT MAINT., ADDING SURFACE MATERIAL, AND GRADING	X		X			X		X	material source and type?

Club name: *Del Mar Sheds*

2011 APPLICATION

Ownership number: *915*

USACE WETLANDS MAINTENANCE PERMIT (File Number 242156N)

Primary contact phone number: *John Swenson 415-486-0402*

	TYPE OF WORK	# OF UNITS	SIZE OR ACREAGE	PROPOSED LINEAR FEET	PROPOSED CUBIC YARDS	PROPOSED WORK START (mm/dd/yy)	ACTUAL LINEAR FEET	ACTUAL CUBIC YARDS	Actual # of units/ size or acreage	ADDITIONAL COMMENTS
* 19	REPLACE PREVIOUSLY EXISTING RIP-RAP ON EXTERIOR LEVEE	X	X						X	<u>this area must have previously existing rip-rap.</u>
20	PIPE REPLACEMENT FOR EXISTING EXTERIOR FLOOD GATE				X			X		<u>Indicate size, type, and location of each on enclosed map</u> <u>Is there a bulkhead associated with the pipe(s)?</u> YES NO
* 21	PIPE REPLACEMENT FOR EXISTING EXTERIOR DRAIN GATE				X			X		<u>Indicate size, type, and location of each on enclosed map</u> <u>Is there a bulkhead associated with the pipe(s)?</u> YES or NO
* 22	PIPE REPLACEMENT FOR EXISTING EXTERIOR DUAL PURPOSE GATE				X			X		<u>Indicate size, type, and location of each on enclosed map</u> <u>Is there a bulkhead associated with the pipe(s)?</u> YES or NO
* 23	INSTALLATION OF A NEW EXTERIOR DRAIN STRUCTURE				X			X		<u>Indicate size, type, and location of each on enclosed map</u>

\* Activities with Asterisks Have Additional Requirements (See Bottom of Page)

\*Pipe replacement for existing exterior drain, flood, or dual-purpose gate

in-water work.

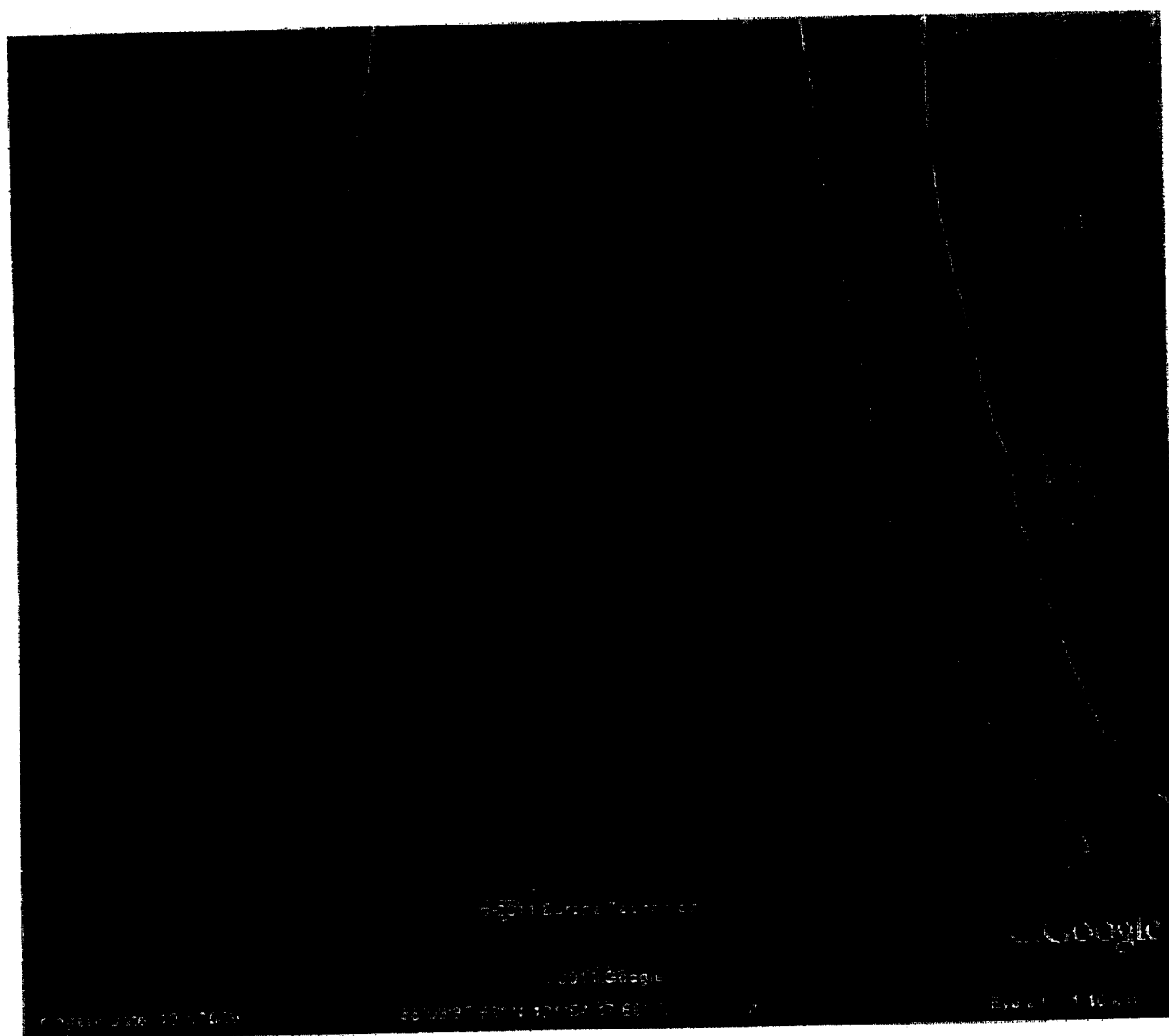
All work done at low tide (3 hours prior to low tide to 3 hours after low tide).  
New pipe pre-assembled before installation.  
Pipe placed below depth of emergent vegetation.  
Pipe replacement is not done in the rain.  
Replacement will not change the existing use or diversion capacity.

\*Replace riprap on exterior levee

Riprap only placed where previously existing riprap was present.  
Riprap is replaced in the minimum amount necessary.  
Riprap not placed on emergent vegetation.  
Riprap is placed during low tide.

\*Installation of new exterior drain structure

New drain placed where discharge channel already exists.  
New drain is installed where exterior levees have no emergent vegetation.  
No in-water work.  
Pipe placed at low tide (3 hours prior to low tide to 3 hours after low tide).  
Pipe is pre-assembled to minimize work time.  
Pipe placed at a depth below emergent vegetation.



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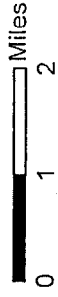
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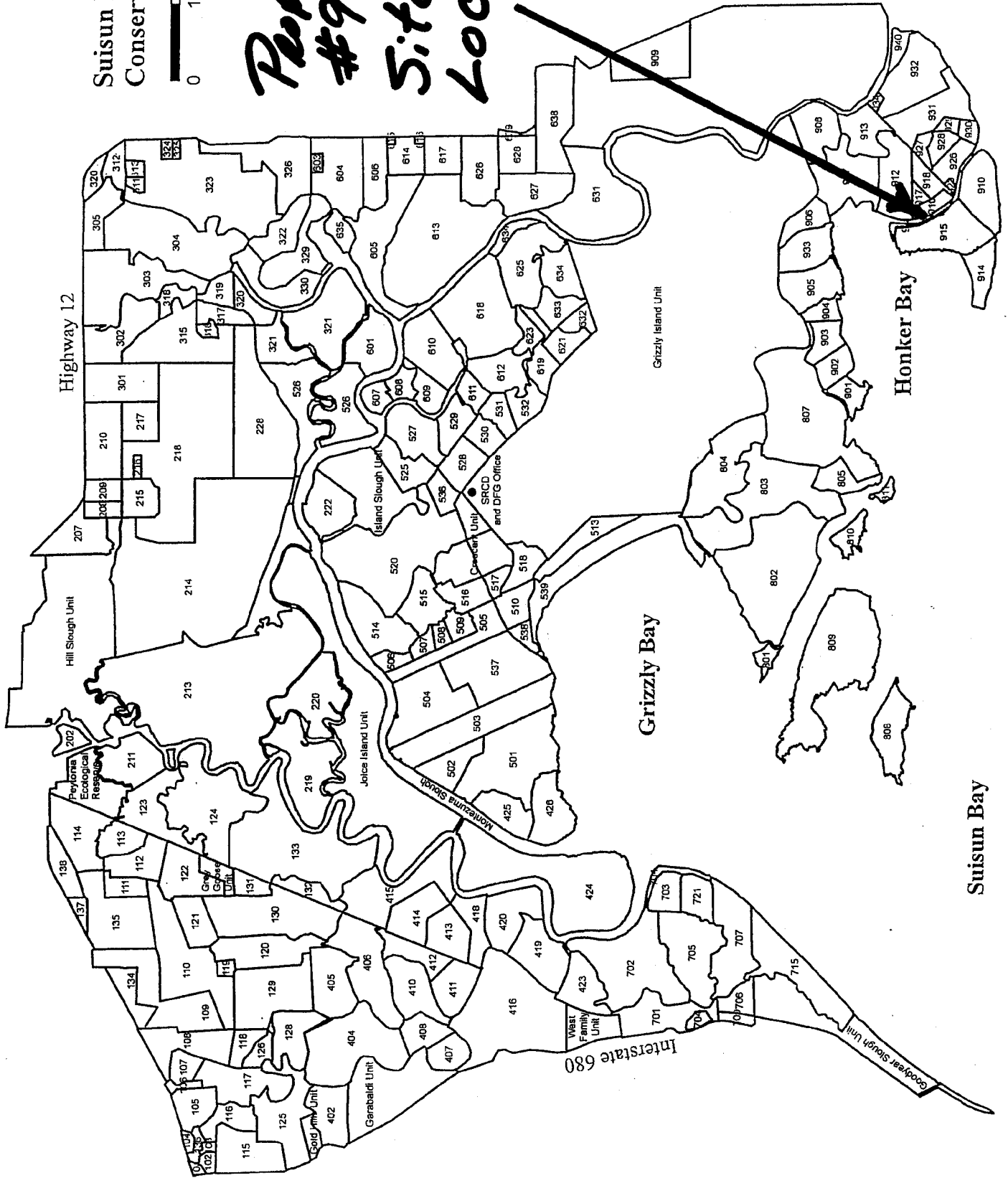
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Digitized by Google

Suisun Resource  
Conservation District



*Property  
#915  
Site  
Location*



Sacramento and San Joaquin Rivers

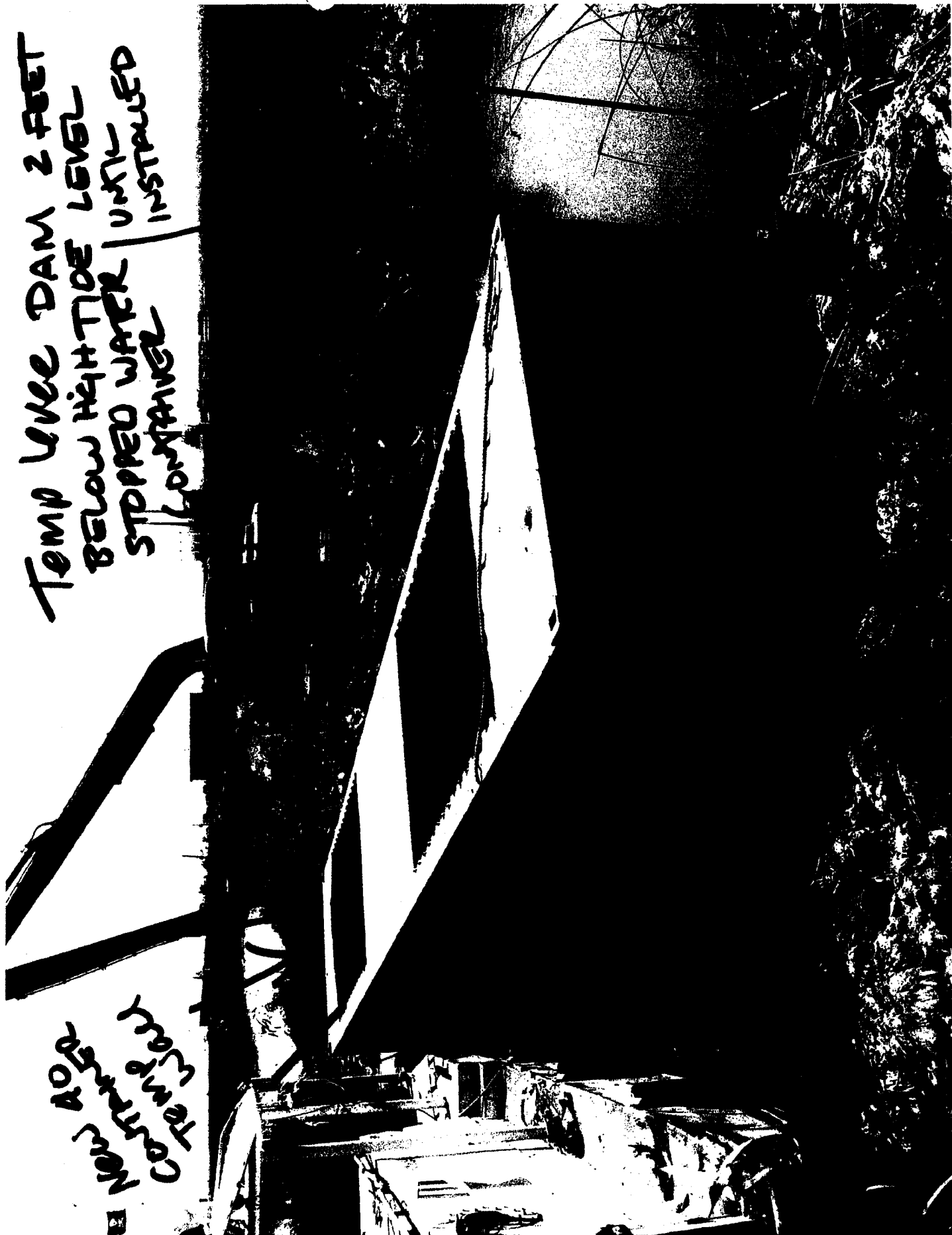
THICK WALL  
TO BE  
BUILT DAM TO  
FIELD OF  
2 FEET  
OF 25  
WATER

LOVELL  
BENT



TEMP VEE DAM 2 FEET  
BELOW HIGH TIDE LEVEL  
STOPPED WATER WITH  
CONTAINER INSTALLED

NOV 2002  
CONSTRUCTION



1/23/23

Perode

MR

NO LINE

BUILT BEHIND

WITH DIRT

WALL



## Orlando Rocha

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**From:** Wickens, David M SPN [David.M.Wickens@usace.army.mil]  
**Sent:** Friday, June 24, 2011 3:10 PM  
**To:** Orlando Rocha  
**Subject:** RE: 915 Urgent and or Unforeseen Work Request (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Orlando,

Thank you for this information. All work allowed under RGP3 is authorized.

Because it seems we have a landowner who is new to the program, please inform him of the importance of staying within the guidelines of the RGP3 authorization as it applies to his property.

Please add this urgent work request to next month's list.

Dave Wickens

-----Original Message-----

From: Orlando Rocha [<mailto:ORocha@SuisunRCD.org>]  
Sent: Friday, June 24, 2011 2:22 PM  
To: Wickens, David M SPN  
Cc: 'john sweeney'; [Schappell@SuisunRCD.org](mailto:Schappell@SuisunRCD.org)  
Subject: 915 Urgent and or Unforeseen Work Request

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Orlando

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Orlando Rocha  
SRCD Biologist  
Water Manager Program  
2544 Grizzly Island Rd  
Suisun City, CA 94585  
Office: 707-426-2431 ext 300  
Cell: 707-631-0819  
-----

Classification: UNCLASSIFIED

## Orlando Rocha

---

**From:** Orlando Rocha [ORocha@SuisunRCD.org]  
**Sent:** Friday, June 24, 2011 3:57 PM  
**To:** 'john sweeney'  
**Cc:** 'Schappell@SuisunRCD.org'  
**Subject:** FW: 915 Urgent and or Unforeseen Work Request (UNCLASSIFIED)

John,

Here is the email I just received from Dave. Let me know if you have any other questions. You are ok to proceed with fixing the breach as long as you follow the RGP3 and Biological opinion.

Keep us updated, Talk to you soon

Orlando

-----  
Orlando Rocha  
SRCD Biologist  
Water Manager Program  
2544 Grizzly Island Rd  
Suisun City, CA 94585  
Office: 707-426-2431 ext 300  
Cell: 707-631-0819  
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-----Original Message-----

**From:** Wickens, David M SPN [<mailto:David.M.Wickens@usace.army.mil>]  
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Because it seems we have a landowner who is new to the program, please inform him of the importance of staying within the guidelines of the RGP3 authorization as it applies to his property.

Please add this urgent work request to next month's list.

Dave Wickens

-----Original Message-----

**From:** Orlando Rocha [<mailto:ORocha@SuisunRCD.org>]  
**Sent:** Friday, June 24, 2011 2:22 PM  
**To:** Wickens, David M SPN  
**Cc:** 'john sweeney'; [Schappell@SuisunRCD.org](mailto:Schappell@SuisunRCD.org)  
**Subject:** 915 Urgent and or Unforeseen Work Request

Dave,

Here is the Urgent request for unforeseen work that is causing uncontrolled flooding of Club 915. Let me know if you have any questions, Talk to you soon

Orlando

-----  
Orlando Rocha  
SRCD Biologist  
Water Manager Program  
2544 Grizzly Island Rd  
Suisun City, CA 94585  
Office: 707-426-2431 ext 300  
Cell: 707-631-0819  
-----

Classification: UNCLASSIFIED  
Caveats: NONE

## Steve Chappell

---

**From:** Steven Chappell [SCHappell@SuisunRCD.org]  
**Sent:** Monday, June 27, 2011 8:35 AM  
**To:** 'Orlando Rocha'  
**Subject:** RE: 915 Urgent and or Unforeseen Work Request (UNCLASSIFIED)

Orlando,

Good work. Please make hard copies of this corospondance for the file folder and keep me in the loop if anything changes or the work is complete.

Steve

-----Original Message-----

**From:** Orlando Rocha [<mailto:ORocha@SuisunRCD.org>]  
**Sent:** Friday, June 24, 2011 3:57 PM  
**To:** 'john sweeney'  
**Cc:** [Schappell@SuisunRCD.org](mailto:Schappell@SuisunRCD.org)  
**Subject:** FW: 915 Urgent and or Unforeseen Work Request (UNCLASSIFIED)

John,

Here is the email I just received from Dave. Let me know if you have any other questions. You are ok to proceed with fixing the breach as long as you follow the RGP3 and Biological opinion.

Keep us updated, Talk to you soon

Orlando

-----  
Orlando Rocha  
SRCD Biologist  
Water Manager Program  
2544 Grizzly Island Rd  
Suisun City, CA 94585  
Office: 707-426-2431 ext 300  
Cell: 707-631-0819  
-----

-----Original Message-----

**From:** Wickens, David M SPN [<mailto:David.M.Wickens@usace.army.mil>]  
**Sent:** Friday, June 24, 2011 3:10 PM  
**To:** Orlando Rocha  
**Subject:** RE: 915 Urgent and or Unforeseen Work Request (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Orlando,

Thank you for this information. All work allowed under RGP3 is authorized.

Because it seems we have a landowner who is new to the program, please

inform  
him of the importance of staying within the guidelines of the RGP3  
authorization as it applies to his property.

Please add this urgent work request to next month's list.

Dave Wickens

-----Original Message-----

From: Orlando Rocha [<mailto:ORocha@SuisunRCD.org>]  
Sent: Friday, June 24, 2011 2:22 PM  
To: Wickens, David M SPN  
Cc: 'john sweeney'; [Schappell@SuisunRCD.org](mailto:Schappell@SuisunRCD.org)  
Subject: 915 Urgent and or Unforeseen Work Request

Dave,

Here is the Urgent request for unforeseen work that is causing uncontrolled  
flooding of Club 915. Let me know if you have any questions, Talk to you  
soon

Orlando

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Orlando Rocha  
SRCD Biologist  
Water Manager Program  
2544 Grizzly Island Rd  
Suisun City, CA 94585  
Office: 707-426-2431 ext 300  
Cell: 707-631-0819  
-----

Classification: UNCLASSIFIED  
Caveats: NONE



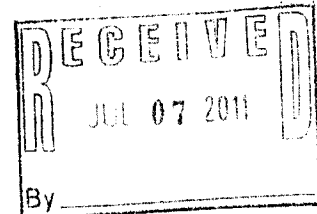
DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET, 16<sup>th</sup> Floor  
SAN FRANCISCO, CALIFORNIA 94103-1398

JUL 06 2011

Regulatory Division

SUBJECT: File Number 242156N

Mr. Steve Chappell  
Suisun Resource Conservation District  
2544 Grizzly Island Road  
Suisun City, California 94585



Dear Mr. Chappell:

This is in reference to your USACE Wetlands Maintenance Applications submittal received July 5, 2011, concerning Department of the Army authorization for use of Regional General Permit 3 (RGP3) at nine (9) private clubs. The maintenance projects are located in the Suisun Marsh, Solano County, California. The club numbers and activities are listed in the application summary (Enclosure 1).

Based on our review of the information provided, we have determined that the proposed work listed in Enclosure 1, titled "July 2011 Maintenance Applications," is either exempt from regulation or is authorized by RGP3.

The project sites in Suisun Marsh may be located within areas identified as Essential Fish Habitat (EFH) and/or critical habitat for federally listed species under the Endangered Species Act (ESA). Timing windows and best management practices have been designated for maintenance activities, and must be observed as outlined in the biological opinions issued by U.S. Fish and Wildlife Service, dated March 14, 1986, May 2, 1994, and August 29, 1994, and by National Marine Fisheries Service, dated January 16, 2008.

This letter confirms the authorization established by RGP3 for Suisun Marsh property owners to conduct maintenance activities in compliance with the guidelines therein. A copy of the Regional General Permit is located at the following website:  
<http://www.spn.usace.army.mil/regulatory/permitnumber3.pdf>. If you have any questions please call David Wickens of my staff at (415) 503-6787, or email:  
David.M.Wickens@spd02.usace.army.mil.

Sincerely,

Jane M. Hicks  
Chief, Regulatory Division

Enclosure

Copies Furnished (w/o Enclosure):

CDFG, Grizzly Island Wildlife Refuge, Suisun, CA  
CDFG, Yountville, CA  
US EPA San Francisco, CA  
US NMFS, Santa Rosa, CA (Attn: G. Stern)  
US FWS, Sacramento, CA  
BCDC, San Francisco, CA

\*\*\*\*Highlighted areas denote work performed on the tidal side of exterior levees

**25588N – Potrero Duck Club****(#303)**

Repair existing exterior water control structures	4units 2/24" 2/36"	8-1-11
Repair existing interior water control structures	4units 1/24" 2/36" 1/42"	8-1-11
Clearing existing interior ditches	2000lf/2000cy	8-1-11
Construct new interior ditches	2000lf/2000cy	8-1-11
Repair exterior existing levees	500lf/500cy	8-1-11
Coring of existing levees	200lf/100cy	8-1-11
Grading pond bottoms for water circulation	100acres/8000cy	8-1-11
Discing	100acres	8-1-11
Existing road maint., adding surface material, and grading	1000lf/100cy	8-1-11
Existing parking lot maint., adding surface material, and grading	1 acres /50cy	8-1-11

**25185NN – Sunrise Island Duck Club****(#405)**

Installation of new interior water control structures	2/24/15 lf	8-1-11
Pond bottom spreader V-ditches	18X18/10000lf	8-1-11
Clearing existing interior ditches	3000lf/3000cy	8-1-11
Repair interior existing levees	3000lf/3000cy	8-15-11
Repair exterior existing levees	3000lf/3000cy	8-15-11
Grading pond bottoms for water circulation	22acres/12000cy	9-1-11
Discing	58 acres	9-1-11

**25239N – Cal Farms****(#425)**

Grading pond bottoms for water circulation	9acres/807cy	8-10-11
Discing	30acres	8-10-11

**25240N – Tip End****(#426)**

Discing	30acres	8-1-11
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**No File # – West Wind Duck Club****(#537)**

Replace previously existing rip-rap on interior levees/Ditches	1000lf/1000cy	8-15-11
Existing road maint., adding surface material, and grading	1500lf/3000cy	8-15-11
Replace previously existing rip-rap on exterior levee	1000lf/3000cy	8-15-11

**25392N – Sleeping Pintail****(#611)**

Repair existing interior water control structures	1units/24"	9-1-11
Discing	10acres	10-1-11

**Amendments****25282N – Volanti Club****(#219)**

Install, repair, or re-install water control bulkheads	1units/25lf	7-15-11
Existing road maint., adding surface material, and grading	50lf/12cy	7-15-11
Replace previously existing rip-rap on exterior levee	60lf/45cy	7-15-11

**25788N – Tule Red****(#539)**

Clearing existing interior ditches	600lf/50cy	7-15-11
Repair interior existing levees	600lf/50cy	7-15-11



**Urgent and or Unforseen**

**25257N – Chipps Island Sport and Social Club  
(#915)**

Clearing existing interior ditches	3000lf/3000cy	ASAP
Repair exterior existing levees	100lf/3000cy	ASAP
Grading pond bottoms for water circulation	2acres/3000cy	ASAP
Existing road maint. ,adding surface material, and grading	100lf/50cy	ASAP

**Enclosure 1: List of Clubs –**

**6 - June 2011 Maintenance Applications**

**2- Amendments 1 – Urgent and or Unforeseen application**

1. Ownership Number (303)	Potrero Duck Club	25588N
2. Ownership Number (405)	Sunrise Island Duck Club	25185N
3. Ownership Number (425)	Cal Farms	25239N
4. Ownership Number (426)	Tip End	25240N
5. Ownership Number (537)	West Wind Duck Club	No File #
6. Ownership Number (611)	Sleeping Pintail	25392N
<b>Amendment</b>		
1. Ownership Number (219)	Volanti Club	25282N
2. Ownership Number (539)	Tule Red	25788N
<b>Urgent and or Unforeseen</b>		
1. Ownership Number (915)	Chipps Island Sport & Social LLC	25257N

## Steven Chappell

---

**From:** Steven Chappell [SChappell@SuisunRCD.org]  
**Sent:** Wednesday, August 31, 2011 3:09 PM  
**To:** 'Wickens, David M SPN'  
**Cc:** 'Adrienne Klein'; 'Orlando Rocha'  
**Subject:** Property 915 - Suisun Marsh  
**Attachments:** Chipp Island Anonymous Photos Aug. 30th, 2011.pdf; 915 map location.pdf

Dave,

On Tuesday August 30<sup>th</sup>, 2011 SRCD received an anonymous envelope with the attached photo's labeled Chipps Island - August 2011. Based upon the photos and labeling, I believe it is in reference to the June 23<sup>rd</sup>, 2011 Urgent and Unforeseen Maintenance Application for Property 915 (Corps File #25257N) the repair of an exterior levee breach repair. The primary contact for the property and applicant for the levee repair is Mr. John Sweeney @ (415) 686-0907 or [john@spinnerisland.com](mailto:john@spinnerisland.com).

On Friday June 24<sup>th</sup>, 2011, SRCD received e-mail authorization from you authorizing the exterior levee repair under the RGP 3. In this e-mail authorization you stated, "Because it seems we have a landowner who is new to the program, please inform him of the importance of staying within the guidelines of the RGP3 authorization as it applies to his property." SRCD forwarded your authorization e-mail to Mr. Sweeny informing him that he was authorized to proceed with the exterior levee repair as long as he followed the terms and conditions of the RGP3 Permit and the NMFS BO. An electronic copy of the RGP3 and BO were attached at that time, additionally SRCD mailed a hard copy of the RGP3 and NMFS BO to Mr. Sweeney.

Based upon the photos, it appears that Mr. Sweeny repaired the exterior levee utilizing a cargo container placed in the breach. This activity and construction method is not a cover action under the RGP3 or BCDC policies and regulations for the Suisun Marsh. Unless an USACE individual permit or RGP 5 emergency permit was issued by the Corps for this project it appears to be a possible violation.

We have the annual USACE audit inspection of permitted activities scheduled for September 16<sup>th</sup> 2011. The site is an island and only accessible by boat. I have attempted to contact Mr. Sweeney by phone about the photos, but had not yet received a response.

Please advise SRCD of the next steps on how you would like to proceed on this issue.

Steven Chappell,  
Executive Director, SRCD

## Steven Chappell

---

From: Steven Chappell [SChappell@SuisunRCD.org]  
Sent: Tuesday, November 29, 2011 3:52 PM  
To: 'Wickens, David M SPN'  
Cc: 'Monarres, Laurie, SPN'  
Subject: RE: Chipps Island Violation at Club 915 (UNCLASSIFIED)

Dave,

I'm not sure who the new DFG Warden for the Suisun Marsh is? They are so shorthanded, I seldom see a warm body in the Marsh. I was told the previous warden has taken a promotion. Would you like me to call over to Yountville and find out who should be notified of this issue?

I think one issue that must be considered is: will the Corps authorize Mr. Sweeny's use of the RGP3 for the 2012 work season to obtain addition levee material (from the managed wetlands) to place behind the Cargo container prior it's removal? Mr. Sweeney stated that additional material will be required to repair the levee prior to removal of the cargo container. How should this be permitted?

Additionally, I heard today, but it has not verified, that Mr. Sweeny has recently brought in several boat docks and installed them in Spoonbill Slough (since our October visit). I have asked the SRCD Water Managers to inspect and take a photo's on their next gate monitoring inspection in early December. If this is correct, I will forward you the photos.

Steve Chappell

-----Original Message-----

From: Wickens, David M SPN [<mailto:David.M.Wickens@usace.army.mil>]  
Sent: Tuesday, November 29, 2011 2:52 PM  
To: [SChappell@SuisunRCD.org](mailto:SChappell@SuisunRCD.org)  
Cc: Monarres, Laurie, SPN  
Subject: RE: Chipps Island Violation at Club 915 (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Steve,

Attached is a copy of the letter of alleged violation.

The next step: I will recommend to my supervisor we have a teleconference call with NMFS, yourself, RWQCB, BCDC, and CA F/G enforcement folks, FWS (anyone I'm leaving out?) regarding how to best resolve this--in other words, when is the best time to have this thing removed?

Btw, I was contacted a while back by a F/G , an enforcement officer I believe, who was interested in this information too. I cannot recall who it was. Do you have a contact over there? If so could you forward this information on to them.

Thanks.

I have forwarded this information on to NMFS already. I'll touch base with them ASAP about a possible meeting in the near future. I'll be back in contact with you.

Dave

-----Original Message-----

From: Steven Chappell [<mailto:SChappell@SuisunRCD.org>]  
Sent: Monday, November 28, 2011 3:45 PM  
To: Wickens, David M SPN  
Subject: RE: Chipps Island Violation at Club 915 (UNCLASSIFIED)

Dave,

Thank for the information. Could you send me a copy of the Corps letter to Mr. Sweeny.

What's the next step in this process?

Steve

-----Original Message-----

From: Wickens, David M SPN [<mailto:David.M.Wickens@usace.army.mil>]  
Sent: Wednesday, November 23, 2011 3:15 PM  
To: [SChappell@SuisunRCD.org](mailto:SChappell@SuisunRCD.org)  
Subject: Chipps Island Violation at Club 915 (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Steve,

I apologize, you were not copied on our violation letter that went out to John Sweeney at Club 915.

Attached is the notice of violation letter and his response.

We are still working on this violation.

Dave Wickens

Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE



DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET, 16<sup>TH</sup> FLOOR  
SAN FRANCISCO, CALIFORNIA 94103-1398

OCT 24 2011

REPLY TO  
ATTENTION OF

Regulatory Division

Certified Mail

Subject: File No. 2000-252570N

### NOTICE OF ALLEGED VIOLATION

Mr. John Sweeney  
171 Sandpiper Drive  
Pittsburg, California 94565

Dear Mr. Sweeney:

This inquiry concerns an unauthorized activity for which you have identified yourself as the responsible party. The property where the activity in question occurred is located on Chipps Island, within the Suisun Marsh Primary Management Area, on property identified as "Club 915," in Solano County, California (Please see attached map).

The unauthorized activity involves levee repair work you conducted at your property below the High Tide Line (HTL) and Mean High Water (MHW) of Spoonbill Creek on August 17, 2011. Based on my site visit of September 16, 2011, and my conversation with you while on site, you sunk a 40'x 10' metal shipping container into the breached portion of your exterior levee below the HTL and MHW of Spoonbill Creek then filled the container with approximately 150 cubic yards (cy) of dredged material. You estimated the total amount of fill material discharged into Spoonbill Creek to complete the breach repair in question and other associated work was approximately 1,200cy.

It is the Corps' understanding that you completed the work in question with the intent of receiving authorization under Department of the Army Regional General Permit 3 for Activities in the Suisun Marsh (RGP3). Under authority of RGP3, the California Department of Fish and Game (CDFG) and landowners represented by the Suisun Marsh Conservation District (SRCD) are authorized to work and place fill material in areas subject to Corps jurisdiction. Many factors dictate a policy of strict adherence to all terms and conditions of RGP3.

The Corps has determined the levee work you conducted on your property (Club 915) does not comply with the terms and conditions outlined in RGP3 and therefore is in violation of Section 404 of the Clean Water Act (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). Landowners represented by the SRCD who do not obey the terms and conditions of RGP3 can lose their SRCD representation and consideration of future work activities under the RGP3.

**Please Note:** all discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States, or below the high tide line in tidal waters of the United States, and within the lateral extent of wetlands adjacent to these waters typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act. Waters of the United States generally include all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters including interstate wetlands; all other waters, the use degradation or destruction of which could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States; tributaries of the waters identified above; the territorial seas; and wetlands adjacent to all the waters identified above. Furthermore, all structures and work occurring below the plane of mean high water in tidal waters of the United States, in former diked baylands currently below mean high water, outside the limits of mean high water but affecting the navigable capacity of tidal waters, or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the United States typically require Department of the Army authorization and the issuance of a permit under Section 10 of the Rivers and Harbors Act of 1899. Navigable waters of the United States generally include all waters subject to the ebb and flow of the tide, and/or all waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce. The term "structure" includes, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island or reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, or any other obstacle or obstruction. The term "structure" does not include bridges and causeways constructed in or over navigable or tidal waters of the United States, since this regulatory responsibility has been delegated to the U.S. Coast Guard under the Department of Transportation Act of 1966 (Pub. L. No. 89-670). The term "work" includes, without limitation, any dredging or disposal of dredged material, filling, or other modification of a navigable water of the United States.

The provisions of 33 C.F.R. Section 326.3 direct the District Engineer to commence an initial investigation of any unauthorized work, structures, and associated dredged or fill material discharges in waters of the United States to determine the appropriate administrative and/or legal actions to be pursued. In the event the alleged violation is subsequently confirmed, administrative actions could include a voluntary restoration of the site, an order requiring the completion of initial corrective measures to alleviate imminent adverse impacts to aquatic resources, and/or the issuance of an after-the-fact Department of the Army Permit to authorize any remaining work, structures, and dredged or fill material discharges in waters of the United States. Administrative actions could further include the use of Class I or Class II civil fines for violations under Section 404 of the Clean Water Act. Legal actions could include the initiation of civil or criminal proceedings when circumstances warrant such action.

Section 309 of the Clean Water Act (33 U.S.C. § 1319) provides penalties for violation of Section 301 (33 U.S.C. § 1311) of the Clean Water Act. Pursuant to Section 301, it is illegal to discharge any dredged or fill material without a permit issued by the Corps of Engineers pursuant to Section 404 (33 U.S.C. § 1344) of the Clean Water Act. A person may be subject to civil penalties of as much as \$37,500 per day for each violation. Furthermore, the law also allows criminal penalties for violations. For the most egregious of those violations, the law provides for imprisonment for as much as 15 years, or fines of up to \$1,000,000 for a violation (or even higher in some circumstances) (33 U.S.C. § 1319; 18 U.S.C. § 3571).

Under Section 12 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 406), a person convicted of violating Section 10 of the Rivers and Harbors Act may be subject to a criminal fine of up to \$2,500.00, or by imprisonment for up to one year, or by both such punishments. Section 12 of the Act further authorized the Court to enforce the removal of any structure erected in violation of the Act. For the most egregious violations of the Act, a person or an organization who violates any provision of the Act may be subject to a criminal fine of not more than \$100,000.00 or \$200,000.00, respectively (or even higher in some circumstances) (18 U.S.C. § 3571).

To facilitate completion of our initial investigation, you are requested to provide this office the information specified in the enclosed *Investigation Questionnaire* within fifteen (15) days of receipt of this letter; this requested information may be held against you in the event of any subsequent legal action. You are further requested to contact this office within this timeframe to allow Regulatory staff to formulate any required resolution. You are advised to cease any ongoing work that may be occurring in waters of the United States.

You may refer any questions on this matter to Mr. David Wickens of my Regulatory staff by telephone at (415) 503-6787 or by e-mail at [david.m.wickens@usace.army.mil](mailto:david.m.wickens@usace.army.mil). All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,

**ORIGINAL SIGNED**

**BY**

**LAURIE A. MONARRES**  
**CHIEF, REG. DIV., NORTH BRANCH**  
Jane M. Hicks  
Chief, Regulatory Division

Enclosure



Copy Furnished (w/o encl):

US Attorney, San Francisco, CA  
US EPA, San Francisco  
US FWS, Sacramento, CA  
US NMFS, Long Beach, CA  
US NMFS, Santa Rosa, CA  
CA RWQCB, Oakland, CA  
CA DFG, Napa, CA  
CA BCDC, San Francisco, CA  
CA CC, San Francisco, CA

CF:

CESPN-R Rdg File  
CESPN-R-N (Wickens)

November 2, 2011

Department of the Army  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco Ca 94103-1398

Dear Ms. Hicks-

I have received the notice of alleged violation regarding the work I have started at Chipps Island club #915. The letter is unclear as to what the possible violation really is and also incorrect in that we are not working on spoonbill creek. Mr. Wickens has been to the property first hand to inspect the work and calculate the dirt moved and review my plan so he has all the calcs for materials moved.

I have attached the original correspondence with both Mr. Wickens and SRCD who helped me apply for the emergency permit to fix a major levee break on the island. As you will notice the alleged violation was the main focus of my possible fix short term for the levee. So it seems odd that its now being questioned rather than prior to the permit being issued.

The facts are as follows. I purchased a property which is known as Chipps Island. The seller left the property and removed a large barge which had been tied to the levee for years. Shortly after his leaving the levee failed and created a 20 foot wide breach into our dredger ditch not Spoonbill Slough. I called SRCD and they gave me Mr. Wickens number and email. Upon explain my plan and issue, Mr. Wickens felt the permit should be an RGP-3. So I then asked SRCD to help me apply for it as I had never done one. They filled out the plan and emailed it to Mr. Wickens. A permit was approved and I began work.

The Island is mostly peat dirt and as such quality fill or material is limited. Also after meeting with Dutra and several other levee companies it was deemed unlikely a rock fix would work as the peat would just sink and so would the rock. I then looked at alternative ways to create a way to stop the tidal action which would then allow me to dry out the high ground behind the break and in 2012 grade and move the dry material behind the temporary dam. After the new material was placed behind the container it would then be removed. The idea came from the New Orleans flood and the Army corp which tried and used these containers to make temporary dams.

Upon starting the levee fix I decided to try and fix the levee without the help of a container or barge and began to fill a small cut inside chipps to try and stop the flow with a horseshow design. This looked to be working but after two weeks adding materials onto the coffer dam the dam kept subsiding and the tidal flow was daily erasing most of my work. I got the dam to an elevation about two feet below max high tide and at that point realized I would not have enough material or time to waste or the dam would break on the next high tide cycle some three days away.

I then looked online and found the website which showed how the New Orleans containers were used and bought a new 40 steel container and floated it to Chipps Island. The container was then pumped full of water and then filled with mud. Within two hours the breach was completely stopped. I opened the flood gates and began draining the water behind it. The coffer dam will then be used to get the graders across to the fields to move dry material to create the new levee behind the container. After it dry and is finished I would flood island via flood gates and then with pressure on the new levee from the back remove the container leaving a finished dirt levee.

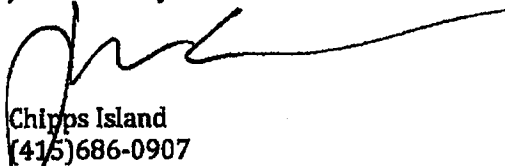
I have only done my best to fix the break with the resources I had available and funds. Never have I not said or told everyone what I was trying to do. The temporary levee fix worked beyond my expectations and should be a standard army corp emergency option for all delta land owners. The main savings is in material as you lose so much trying to fill a break while its tidal which sends most of the material into the river. I think any small levee break could be stopped in hours with this concept and then everyone has time to decide how to get material to repair the actual levee.

As I told Mr. Wickens the container is there to stop the tidal flow and allow us to dry out the land of which we will then use to finish the levee repair. If the coffer dam had worked we wouldn't have used anything but the peat was to wet.

I see no reason this has been called an alleged violation. If the work is not finished and we have to wait till next summer to get dry material shouldn't the levee be reviewed when the fix is completed?

I would be more than happy to do whatever the Army Corp wants but just don't understand why this has been made an issue and now called a possible violation. Please advise me on how you want to see this resolved.

John Sweeney



Chipps Island  
(415) 686-0907  
171 Sandpiper Dr  
Pittsburg CA 94565

INVESTIGATION QUESTIONNAIRE  
U.S. Army Corps of Engineers  
San Francisco District, Regulatory Division

File No. 2000-252570N

Date: 24-October-2011

Addressed To:  
Mr. John Sweeney  
171 Sandpiper Drive  
Pittsburg, California 94565

1. Property Owner: John Sweeney  
Address: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_  
(Bus.) \_\_\_\_\_  
Address: 171 SANDPIPER DR Phone: 415 686 0807  
(Res.) Pittsburg, CA 94565  
E-mail Address: \_\_\_\_\_
2. Person / contractor doing work: John Sweeney  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_  
(Bus.) \_\_\_\_\_  
Address: 171 SANDPIPER DR Phone: 415 686 0807  
(Res.) Pittsburg, CA 94565  
E-mail Address: JOHN@SPIRIT-ISLAND.COM
3. Consultant: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_  
E-mail Address: \_\_\_\_\_
4. Location of Work: Chippis Island CUB # 915  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ ST: \_\_\_\_\_ ZIP: \_\_\_\_\_  
County: \_\_\_\_\_  
\_\_\_\_\_ N of \_\_\_\_\_ S of Sec. \_\_\_\_\_, R \_\_\_\_\_ N / S, T \_\_\_\_\_ E / W  
(circle) (circle)  
Lat: \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " N Long: \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " W

UTM: Region \_\_\_\_\_ North: \_\_\_\_\_ East: \_\_\_\_\_

Assessor Parcel Number: \_\_\_\_\_

Describe location (relation to towns, roads, buildings, etc.): \_\_\_\_\_

Name of Waterbody, if known: \_\_\_\_\_

5. Details of the Activity:

Prior to this notification, were you aware of this activity taking place? YES

When did the activity begin? JULY

Was the work discontinued? AUGUST

When?

Was the work completed? NO

When?

Is the work still in progress? YES - levee fill to be done

Please describe the work in detail, including the purpose of the work. FIX LARGE

LEVEE BREACH ON INTERIOR LEVEE. STOP  
WATER FLOW WITH CONTAINER TO ALLOW ACCESS  
TO DIRT BEHIND TO BACKFILL NEXT  
YEAR. TEMP. BLOCK OF BREACH TO ALLOW  
ACCESS TO DIRT BEHIND.

Was any fill material imported to the site? (Specify type(s) of material discharged and the amount of each type in cubic yards.)

NO

How was the material placed (discharged)? EXCAVATOR

Was any grading performed associated with the activity? NO - NEXT YEAR

to fill behind container prior to  
removal.

Was any discing performed associated with the activity? Please explain the history of discing performed on the site.

NO

Were you ever informed by any other permit issuing agency that a Department of the Army permit may be required?

YES

Are you one of the persons responsible for the activity?

YES

Are you operating a business that is associated with the activity?

NO

Is the activity in question supervised by you or by others whom you employ?

YES

Will you allow Corps of Engineers' personnel access to the site to verify the nature of the activity?

MR. WICKENS HAS ALREADY BEEN TO SITE

6. Permits obtained prior to commencement of work:

Department of the Army Permit #:

YES

When?

CA Department of Fish & Game Permit #:

When?

CA Regional Water Quality Control Board Permit #:

When?

Local Permit #:

When?

7. Additional Information:

Please submit any other information and/or photographs which, in your opinion, may be pertinent to the Corps of Engineers' evaluation of the activity and the determination on whether the activity occurred in jurisdictional waters of the United States.

SECRET  
CONFIDENTIAL

2011 NOV -7 P 2:51

CORPORATE MANAGERS  
REGULATORY DIVISION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Steven Chappell

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**From:** Wickens, David M SPN [David.M.Wickens@usace.army.mil]  
**Sent:** Thursday, January 12, 2012 9:18 AM  
**To:** SChappell@SuisunRCD.org  
**Subject:** RE: [Water\_news] DWR California Water News- January 4, 2012 (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

We received his response to our letter and understand he has contacted the media. However, our position remains the same--the container must be removed.

The landowner is aware of our position: the container is unauthorized fill material and in violation of the Clean Water Act. Penalties for violating the CWA are not good,..."shall be punishable by a fine of not less than \$2,500 or more than \$25,000 per day of violation, or by imprisonment for not more than one year, or by both." I will make a strong case that it's in violation of Section 10 of the Rivers and Harbors Act too. I'm not a mind reader so I don't know if he hasn't put forth a plan to remove the container because he refuses to or because he doesn't want to (and is thus, dragging his feet on the matter). My advice to him would be immediate compliance. I don't think media coverage will help his position. This isn't one to fight us on.

As I mentioned before, I believe I can present a strong case for a violation of the aforementioned laws we administer. I also believe I can find support from EPA, FWS, NMFS, RWQCB, BCDC, and F/G in my enforcement efforts. Not to mention from your RCD.

My plan is to escalate the matter by the first week of February if the landowner does not come forth with a plan for removal. If I receive a plan from the landowner I will coordinate with you and the other agencies about how we move forward.

-----Original Message-----

**From:** Steven Chappell [<mailto:SChappell@SuisunRCD.org>]  
**Sent:** Thursday, January 12, 2012 8:24 AM  
**To:** Wickens, David M SPN  
**Subject:** RE: [Water\_news] DWR California Water News- January 4, 2012 (UNCLASSIFIED)

Dave,

I understand that Mr. Sweeny also took the Channel 7 Bay Area news folks out to the site as well. One of my Board Members saw it on the evening news. Is anything proceeding on this enforcement case? Dan Logan of NMFS asked about it yesterday at the SMP Regulatory Group meeting.

Steve

-----Original Message-----

**From:** Wickens, David M SPN [<mailto:David.M.Wickens@usace.army.mil>]  
**Sent:** Tuesday, January 10, 2012 2:33 PM  
**To:** [SChappell@SuisunRCD.org](mailto:SChappell@SuisunRCD.org)  
**Subject:** RE: [Water\_news] DWR California Water News- January 4, 2012 (UNCLASSIFIED)

Classification: UNCLASSIFIED



Caveats: NONE

Steve,

Thanks for the info.

Laurie Monarres and I would like to call into the meeting tomorrow. If this is possible could we get a call in number?

Thanks,

Dave

-----Original Message-----

From: Steven Chappell [<mailto:SChappell@SuisunRCD.org>]

Sent: Monday, January 09, 2012 1:47 PM

To: Wickens, David M SPN

Subject: FW: [Water\_news] DWR California Water News- January 4, 2012

Dave,

This is the link to the more complete News 10 footage at Chipps Island.

Steve

From: Chappell, Erin [<mailto:chappell@water.ca.gov>]

Sent: Friday, January 06, 2012 7:47 AM

To: 'SChappell@SuisunRCD.org'

Subject: FW: [Water\_news] DWR California Water News- January 4, 2012

Okay, the other video was a follow up to this one. Here's the original news report...

Department of Water Resources

California Water News

A daily compilation for DWR personnel of significant news articles and comment

January 4, 2011

Delta island owner seeks feds' OK for quick levee fix  
<<http://www.news10.net/news/article/171153/2/Delta-island-owner-seeks-feds-OK-for-quick-levee-fix>>  
K

George Warren, KXTV News10, Sacramento

The owner of a private island in the Delta who found a quick and inexpensive way to repair a broken levee is trying to convince the federal government the technique could save lives and property elsewhere.

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Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

NEWS10

SACRAMENTO - STOCKTON - MODESTO

## Delta island owner seeks feds' OK for quick levee fix

7:24 PM, Jan 3, 2012 | comments

Written by  
George Warren

FILED UNDER

News  
Local News

PITTSBURG, CA - The owner of a private island in the Delta who found a quick and inexpensive way to repair a broken levee is trying to convince the federal government the technique could save lives and property elsewhere.

John Sweeney said a levee breach last summer threatened to inundate his 1,000 acre Chipps Island, which lies across the Sacramento River from Pittsburg.

"We first tried to fix it the old fashioned way by horseshoeing around it with dirt," Sweeney explained. "But every time we put the dirt on it, it would just wash back out at high tide."

Sweeney eventually floated a 40-foot steel shipping container out to the island and carefully sank it in the breach by filling it with mud.

He plans to replace the container with a permanent dirt or rock berm later this

year.

Sweeney got the idea from news reports of shipping containers filled with gravel being used during the Hurricane Katrina crisis in New Orleans.

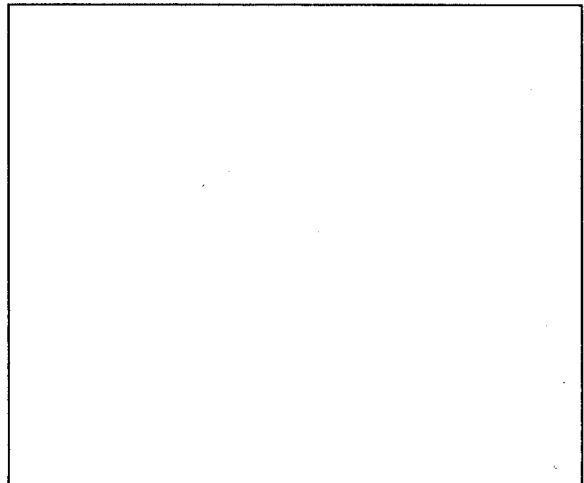
Sweeney was later surprised to get a letter from the US Army Corps of Engineers telling him placement of the shipping container in the levee may have violated the terms of a repair permit because it was not a recognized levee repair material.

Sweeney, 41, made his fortune by selling an outdoor advertising business in 2001 and owns a total of three Delta islands that are all at risk for future levee breaks.

He contacted News10 to publicize his levee fix in an attempt to gain official acceptance.

"If the Army Corps did a little research and saw this, I think this could be a widely-appreciated way to fix any levee break," Sweeney said.

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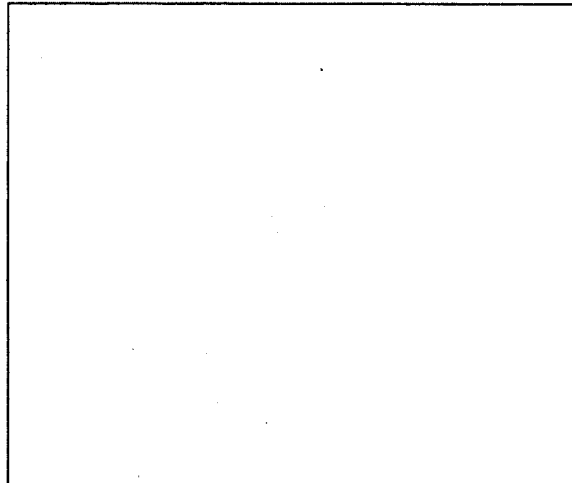
SACRAMENTO - STOCKTON - MODESTO

The Corps of Engineers' San Francisco division did not immediately respond to email and phone messages seeking comment.

by George Warren,

News10/KXTV

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